

**Notice of Allowability**

Application No.

09/938,065

Examiner

Gladys J Piazza Corcoran

Applicant(s)

BERSUCH ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/15/2004, TD 9/27/2004, and Declaration 9/28/2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 19 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Gladys JP Corcoran  
Primary Examiner  
Art Unit: 1733

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:

As a result of Applicant overcoming the Wanthal reference (see discussion below), no prior art was found to show or suggest a method of assembling two composite components where a woven pre-form with a base and a pair of legs is infused and adhered to a component, then a sizing tool is inserted between the legs and the pre-form is cured, removing the tool, applying adhesive in the slot and inserting the second component in the slot.

It is noted that while it is considered known to separately form the pre-form and then join the two composite components and pre-form with adhesive and that it is known to separately mold pre-forms with sizing tools, no prior art was shown to provide the combination of joining and molding with a tool in the slot as claimed with applying paste in the slot and inserting a second component in the claimed environment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Drawings***

2. The drawings were received on July 19, 2004. These drawings are accepted.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on July 15, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of

09/946627 has been reviewed and is accepted. The terminal disclaimer has been recorded.

4. The terminal disclaimer filed on September 27, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/973208 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Response to Amendment***


5. The declarations combined with the evidence under 37 CFR 1.132 filed December 31, 2003, July 15, 2004, and September 28, 2004 are sufficient to overcome the rejection of the claims based upon Wanthal et al. ("Interlaminar Reinforced Composites Development for Improved Damage Tolerance"). As set forth in the Application Serial No. 09/898,633, the evidence and declarations submitted are sufficient to show that the Wanthal reference submitted by Applicant was presented in a closed session, the paper was not made public, and that the material relied upon in the rejections was material obtained by one of the inventors of the present Application. Consequently, there is no evidence that the Wanthal reference meets the statutory requirements that the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent; or the invention was patented or described in a printed publication in this or a foreign country, in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gladys JP Corcoran  
Primary Examiner  
Art Unit 1733

GJPC